

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1102 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 SECTION 1. IC 15-5-1.1-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. As used in this
- 5 chapter:
- 6 "Accredited college of veterinary medicine" means a veterinary
- 7 college or division of a university or college that:
- 8 (1) offers the degree doctor of veterinary medicine or its
- 9 equivalent;
- 10 (2) conforms to the standards required for accreditation by the
- 11 American Veterinary Medical Association; and
- 12 (3) is accredited by the American Veterinary Medical
- 13 Association or an accrediting agency that has been approved by
- 14 the United States Office of Education or its successor.
- 15 "Animal" means any animal other than man and includes birds,
- 16 fish, mammals, and reptiles, wild or domestic.
- 17 "Approved program" means a program in veterinary technology
- 18 that:
- 19 (1) conforms to the standards required for accreditation by the
- 20 American Veterinary Medical Association; and
- 21 (2) is accredited by the American Veterinary Medical
- 22 Association or an accrediting agency that has been approved by
- 23 the United States ~~Office~~ **Department** of Education or its
- 24 successor.
- 25 "Board" means the Indiana board of veterinary medical examiners
- 26 created by this chapter.

1 "Board" refers to the health professions board established by
2 H.C. 25-1-5-3.

3 "ECFVG certificate" means a certificate issued by the American
4 Veterinary Medical Association Educational Commission for Foreign
5 Veterinary Graduates, indicating that the holder has demonstrated
6 knowledge and skill equivalent to that possessed by a graduate of an
7 accredited college of veterinary medicine.

8 "Extern" means a senior veterinary student enrolled in an
9 accredited college of veterinary medicine, or a second year student
10 enrolled in an approved program in veterinary technology, employed
11 by or working with a licensed veterinarian and under his direct
12 supervision.

13 "Licensed veterinarian" means an individual who is licensed
14 pursuant to this chapter to practice veterinary medicine in this state.

15 "Person" means an individual, an incorporated or unincorporated
16 organization or association or a group of such persons acting in
17 concert.

18 **"Practitioner" means an individual who holds:**
19 **(1) an unlimited license, certificate, or registration;**
20 **(2) a limited or probationary license, certificate, or**
21 **registration;**
22 **(3) a temporary license, certificate, registration, or permit;**
23 **(4) an intern permit; or**
24 **(5) a provisional license;**
25 **issued by the board.**

26 "Practice of veterinary medicine" means:
27 (1) representing oneself as engaged in the practice of veterinary
28 medicine, veterinary surgery, or veterinary dentistry in any of its
29 branches or using words, letters, or titles in a connection or
30 under circumstances that **may** induce another person to believe
31 that the person using them is engaged in the practice of
32 veterinary medicine, veterinary surgery, or veterinary dentistry;
33 (2) accepting remuneration for doing any of the things described
34 in subdivisions (3) through (6);
35 (3) diagnosing a specific disease or injury, or identifying and
36 describing a disease process of animals, or performing any
37 procedure for the diagnosis of pregnancy, sterility, or infertility
38 upon animals;
39 (4) prescribing a drug, medicine, appliance or application, or
40 treatment of whatever nature for the prevention, cure, or relief of
41 bodily injury or disease of animals;
42 (5) performing a surgical or dental operation upon an animal; or
43 (6) administering a drug, medicine, appliance, application, or
44 treatment of whatever nature for the prevention, cure, or relief of
45 a wound, fracture, or bodily injury or disease of animals, except
46 where such drug, medicine, appliance, application, or treatment
47 is administered at the direction and under the direct supervision
48 of a veterinarian licensed under this chapter.

49 "Registered veterinary technician" means a veterinary technician
50 registered pursuant to this chapter to work under the direct supervision
51 of a licensed veterinarian.

"Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

"Veterinary technician" means an individual who has successfully completed a program in veterinary technology of at least two (2) years in a school that conforms to the standards required for accreditation by the American Veterinary Medical Association and that is accredited by the American Veterinary Medical Association.

SECTION 2. IC 15-5-1.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) The board shall hold an annual meeting in Indianapolis and other regular meetings during each year and at such places as it may fix.

(b) The board may hold such special meetings as it deems necessary. The chairman or two (2) members of the board may call a special meeting.

(c) Four (4) members of the board constitute a quorum.

(d) All meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or registration or the disposition of a proceeding to discipline a licensed veterinarian or registered veterinary technician.

(e) Minutes of each regular and special meeting shall be compiled and kept as a permanent record in the same office as other records of the board are kept. ~~The responsibility for~~ **The executive secretary of the board is responsible for** the care and safekeeping of ~~such the~~ minutes. ~~shall devolve upon the bureau.~~

(f) Each member of the board is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

SECTION 3. IC 15-5-1.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) At its annual meeting the board shall elect a chairman and vice chairman and such other officers as it may determine. Such officers shall serve for terms of one (1) year or until a successor is elected. There is no limitation on the number of terms an officer may serve.

(b) The state veterinarian ~~shall be~~ **is the executive secretary and** technical advisor of the board.

(c) The duties of the ~~bureau~~ **executive secretary** include:

- (1) corresponding for the board;
- (2) keeping accounts and records of all receipts and disbursements by the board;
- (3) keeping records of all applications for license or registration;
- (4) keeping a register of all persons currently licensed or registered by the board; ~~and~~
- (5) keeping permanent records of all board proceedings; **and**

(6) performing duties delegated to the executive secretary by the board.

(d) To carry out the duties of the board, including the investigation of violations under this chapter, the board may enter into agreements with the Indiana state board of animal health established by IC 15-2.1-3-1 to use facilities, equipment, personnel, or resources of the Indiana state board of animal health.

SECTION 4. IC 15-5-1.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) The powers enumerated in this section are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

(b) The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine in this state; and
- (2) registration to practice as a veterinary technician in this state.

(c) The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

- (1) licenses and special permits to practice veterinary medicine in this state; and
- (2) registrations or special permits to practice as a veterinary technician in this state.

(d) The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with the provisions of this chapter and the rules adopted thereunder.

(e) The board is vested with the sole authority to determine the examinations applicants are required to take, the subjects to be covered, and the places where and the dates on which examinations will be given.

(f) The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice veterinary medicine and for the renewal of registrations as a veterinary technician.

(g) The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a veterinary technician.

(h) ~~Subject to IC 25-1-7,~~ The board may conduct investigations for the purpose of discovering violations of this chapter:

- (1) by licensed veterinarians or registered veterinary technicians; or
- (2) by persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

(i) The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to determine if such places meet the board's standards of cleanliness and sanitation as defined by the board's rules.

(j) The board may hold hearings on all matters properly brought before it and in connection thereto may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena:

(1) the attendance and testimony of witnesses; and
 (2) for a hearing, conference, or a deposition the production
 of:

- (A) papers;
- (B) records; or
- (C) other documentary evidence;

~~and commission depositions: in furtherance of an investigation.~~ The board may designate one (1) or more of its members to serve as its hearing officer.

(k) The board may bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto.

(l) The board ~~shall~~ **may** have fees collected for examining and licensing veterinarians and for examining and registering veterinary technicians.

(m) The board may enter into reciprocal agreements with its counterpart boards in other states and may effect such agreements by rule.

(n) The board may appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(o) The ~~bureau shall provide the board with~~ **may employ or contract with** full or part-time professional and clerical personnel ~~and supplies including printed matter and equipment~~ necessary to effectuate the provisions of this chapter.

(p) The board may, in the manner prescribed by IC 4-22-2, adopt such reasonable rules as it deems necessary for the performance of its duties, consistent with this chapter and other applicable laws of this state. Any rule adopted under, and applicable to, the prior veterinarian and veterinary technician licensing and registration laws (IC 15-5-1 and IC 15-5-1.5) continues in effect under this chapter until rescinded or amended by the board.

(q) The board may adopt an appropriate seal which may be affixed to all license and registration certificates and other official documents of the board.

(r) The board is a regulatory board within the meaning of IC 25-1-3-1.

SECTION 5. IC 15-5-1.1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 8.5. The board may not issue a license or registration to a person who is a resident of Indiana unless the person provides the board with evidence showing that the person has paid all of the person's personal property taxes.**

SECTION 6. IC 15-5-1.1-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 8.6. (a) Except as provided under subsections (b) and (c), a license or certificate of registration that an individual is required by law to hold under this chapter may not be denied, revoked, or suspended because the applicant or holder**

1 is convicted of an offense. However, the acts from which the
 2 applicant's or holder's conviction results may be considered as to
 3 whether the applicant or holder may be entrusted to serve the
 4 public in a specific capacity.

5 (b) The board may suspend or revoke a license or certificate
 6 issued under this chapter if the individual who holds the license or
 7 certificate is convicted of any of the following:

8 (1) Possession of cocaine or a narcotic drug under
 9 IC 35-48-4-6.

10 (2) Possession of a controlled substance under
 11 IC 35-48-4-7(a).

12 (3) Fraudulently obtaining a controlled substance under
 13 IC 35-48-4-7(b).

14 (4) Manufacture of paraphernalia as a Class D felony under
 15 IC 35-48-4-8.1(b).

16 (5) Dealing in paraphernalia as a Class D felony under
 17 IC 35-48-4-8.5(b).

18 (6) Possession of paraphernalia as a Class D felony under
 19 IC 35-48-4-8.3(b).

20 (7) Possession of marijuana, hash oil, or hashish as a Class D
 21 felony under IC 35-48-4-11.

22 (8) Maintaining a common nuisance under IC 35-48-4-13.

23 (9) An offense relating to registration, labeling, and
 24 prescription forms under IC 35-48-4-14.

25 (10) Conspiracy under IC 35-41-5-2 to commit an offense
 26 listed in subdivisions (1) through (9).

27 (11) Attempt under IC 35-41-5-1 to commit an offense listed
 28 in subdivisions (1) through (9).

29 (12) An offense in another jurisdiction in which the elements
 30 of the offense for which the conviction was entered are
 31 substantially similar to the elements of an offense described
 32 under subdivisions (1) through (11).

33 (c) The board shall revoke or suspend a license or certificate
 34 issued under this chapter if the individual who holds the license or
 35 certificate is convicted of any of the following:

36 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

37 (2) Dealing in a schedule I, II, or III controlled substance
 38 under IC 35-48-4-2.

39 (3) Dealing in a schedule IV controlled substance under
 40 IC 35-48-4-3.

41 (4) Dealing in a schedule V controlled substance under
 42 IC 35-48-4-4.

43 (5) Dealing in a substance represented to be a controlled
 44 substance under IC 35-48-4-4.5.

45 (6) Knowingly or intentionally manufacturing, advertising,
 46 distributing, or possessing with intent to manufacture,
 47 advertise, or distribute a substance represented to be a
 48 controlled substance under IC 35-48-4-4.6.

49 (7) Dealing in a counterfeit substance under IC 35-48-4-5.

50 (8) Dealing in marijuana, hash oil, or hashish under

1 IC 35-48-4-10(b).

2 (9) Conspiracy under IC 35-41-5-2 to commit an offense
3 listed in subdivisions (1) through (8).

4 (10) Attempt under IC 35-41-5-1 to commit an offense listed
5 in subdivisions (1) through (8).

6 (11) An offense in any other jurisdiction in which the
7 elements of the offense for which the conviction was entered
8 are substantially similar to the elements of an offense
9 described under subdivisions (1) through (10).

10 (12) A violation of any federal or state drug law or rule
11 related to wholesale legend drug distributors licensed under
12 IC 25-26-14.

13 SECTION 7. IC 15-5-1.1-8.7 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1998]: Sec. 8.7. (a) As used in this section,
16 "bureau" means the child support bureau established by
17 IC 12-17-2-5.

18 (b) As used in this section, "delinquent" means at least:

19 (1) two thousand dollars (\$2,000); or

20 (2) three (3) months;

21 past due on payment of court ordered child support.

22 (c) Upon receiving an order of a court issued under
23 IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or
24 IC 31-6-6.1-16(k) before their repeal), the board shall:

25 (1) suspend the license, registration, or permit of the
26 practitioner; or

27 (2) deny the application of the applicant;

28 who is the subject of the order.

29 (d) Upon receiving an order of a court issued under
30 IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or
31 IC 31-6-6.1-16(k) before their repeal), the board shall promptly
32 mail a notice to the last known address of the person who is the
33 subject of the order, stating the following:

34 (1) That the practitioner's license, registration, or permit has
35 been suspended, beginning five (5) business days after the
36 date the notice is mailed, and that the suspension terminates
37 ten (10) business days after the board receives an order
38 allowing reinstatement from the court that issued the
39 suspension order.

40 (2) That the practitioner has the right to petition for
41 reinstatement of the practitioner's license, registration, or
42 permit to the court that issued the order for suspension.

43 (e) The board may not reinstate a license, registration, or
44 permit suspended under this section until the board receives an
45 order allowing reinstatement from the court that issued the order
46 for suspension.

47 (f) The board shall, upon receiving an order from the bureau
48 under IC 12-17-2-34(e), send a notice to the practitioner identified
49 by the bureau that includes the following:

50 (1) Specifies that the practitioner is delinquent and is subject

- 1 to an order placing the practitioner on probationary status.
- 2 (2) Describes the amount of child support that the
- 3 practitioner is in arrears.
- 4 (3) Explains that unless the practitioner contacts the bureau
- 5 and:
- 6 (A) pays the practitioner's child support arrearage in
- 7 full;
- 8 (B) requests the activation of an income withholding
- 9 order under IC 31-16-15-2 and establishes a payment
- 10 plan with the bureau to pay the arrearage; or
- 11 (C) requests a hearing under IC 12-17-2-35;
- 12 within twenty (20) days after the date the notice is mailed,
- 13 the board shall place the practitioner on probationary status.
- 14 (4) Explains that the practitioner may contest the bureau's
- 15 determination that the practitioner is delinquent and subject
- 16 to an order placing the practitioner on probationary status
- 17 by making written application to the bureau within twenty
- 18 (20) days after the date the notice is mailed.
- 19 (5) Explains that the only basis for contesting the bureau's
- 20 determination that the practitioner is delinquent and subject
- 21 to an order placing the practitioner on probationary status
- 22 is a mistake of fact.
- 23 (6) Explains the procedures to:
- 24 (A) pay the practitioner's child support arrearage in
- 25 full;
- 26 (B) establish a payment plan with the bureau to pay the
- 27 arrearage;
- 28 (C) request the activation of an income withholding
- 29 order under IC 31-16-15-2; and
- 30 (D) request a hearing under IC 12-17-2-35.
- 31 (7) Explains that the probation terminates ten (10) business
- 32 days after the board receives a notice from the bureau that
- 33 the practitioner has:
- 34 (A) paid the practitioner's child support arrearage in
- 35 full; or
- 36 (B) established a payment plan with the bureau to pay
- 37 the arrearage and requested the activation of an income
- 38 withholding order under IC 31-16-15-2.
- 39 (g) If the board is advised by the bureau that the practitioner
- 40 requested a hearing and failed to appear or appeared and was
- 41 found to be delinquent, the board shall promptly mail a notice to
- 42 the practitioner who is the subject of the order stating the
- 43 following:
- 44 (1) That the practitioner's license, registration, or permit has
- 45 been placed on probationary status, beginning five (5)
- 46 business days after the date the notice is mailed, and that the
- 47 probation terminates ten (10) business days after the board
- 48 receives a notice from the bureau that the person has:
- 49 (A) paid the person's child support arrearage in full; or
- 50 (B) established a payment plan with the bureau to pay

the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the board is advised by the bureau that the practitioner whose license, registration, or permit has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license, registration, or permit.

(h) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(i) The board may not reinstate a license or permit of a practitioner placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 8. IC 15-5-1.1-8.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8.8. (a) The board may allow the department of state revenue access to the name of a person who:

(1) is licensed under this chapter; or

(2) has applied for a license under this chapter.

(b) If the department of state revenue notifies the bureau that a person is on the most recent tax warrant list, the bureau may not issue or renew the person's license until:

(1) the person provides to the bureau a statement from the department of state revenue that the person's delinquent tax liability has been satisfied; or

(2) the bureau receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 9. IC 15-5-1.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. License and Registration Requirements and Exceptions. No person may practice veterinary medicine in this state ~~Indiana~~ unless ~~he the person~~ is a licensed ~~as a~~ veterinarian in ~~Indiana~~ or holds a special permit issued by the board, and no person may act as a veterinary technician in ~~this state Indiana~~ unless ~~he the person~~ is a registered ~~as a~~ veterinary technician in ~~Indiana~~ or holds a special permit issued by the board.

except: The following persons are not required to meet the licensing and registration requirements under this chapter:

- (1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing ~~his~~ regular duties, or a veterinarian employed by the animal disease diagnostic laboratory performing ~~his~~ regular duties.
- (2) A veterinarian employed by a federal, state, or local government agency performing ~~his~~ official duties.
- (3) An individual who is a regular student in an accredited college of veterinary medicine or veterinary technology performing duties or actions assigned by ~~his~~ instructors or working under the direct supervision of a licensed veterinarian.
- (4) An extern.
- (5) A veterinarian licensed and resident in another state or nation who occasionally consults with a licensed veterinarian.
- (6) The owner of an animal or ~~his~~ a regular employee of the **owner** caring for and treating that animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.
- (7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.
- (8) An individual while engaged in bona fide scientific research which reasonably requires experimentation involving animals.
- (9) A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate and who is under the direct supervision of a licensed veterinarian.
- (10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine, performing duties or actions assigned by ~~his~~ instructors or working under the direct supervision of a licensed veterinarian.

SECTION 10. IC 15-5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. (a) **As used in this subsection, "term" refers to an academic semester, trimester, or quarter.** A person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall state that the applicant is:

- (1) a graduate of an accredited college of veterinary medicine; or
- (2) **enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.**

If the applicant is enrolled as a last term student as described by subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the student must accompany the application. A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished the board either that the applicant has

1 graduated from an accredited college of veterinary medicine or that ~~he~~
 2 **the applicant** is the holder of an Educational Commission for Foreign
 3 Veterinary Graduates (ECFVG) certificate. The application must show
 4 such reasonable information and proof as the board may require by
 5 rule. The application must be accompanied by the fee in the amount
 6 required under this chapter.

7 (b) When the board determines that the applicant possesses the
 8 proper qualifications, the board may grant the applicant a license. If an
 9 applicant is found not to be qualified to take the examination or for a
 10 license without examination, the executive secretary of the board shall
 11 immediately notify the applicant in writing of such finding and the
 12 grounds therefore. Applicants found unqualified may request a hearing
 13 on the question of their qualifications.

14 SECTION 11. IC 15-5-1.1-12 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) The board shall
 16 hold at least one (1) examination for licensing veterinarians and one (1)
 17 examination for registering veterinary technicians each year but it may
 18 hold more. The ~~bureau~~ **board** shall give notice of the time and place
 19 for each examination at least ninety (90) days in advance of the date set
 20 for the examination. A person desiring to take an examination must
 21 make application at least forty-five (45) days before the date of the
 22 examination.

23 (b) The preparation, administration, and grading of examinations
 24 shall be approved by the board. Examinations shall be designed to test
 25 the examinee's knowledge of and proficiency in the subjects and
 26 techniques commonly taught in veterinary schools. To pass the
 27 examination, the examinee must demonstrate scientific and practical
 28 knowledge sufficient to prove to the board that the examinee is
 29 competent to practice veterinary medicine or to act as a veterinary
 30 technician, as the case may be. The board may adopt and use
 31 examinations approved by the National Board Examination Committee.

32 (c) To qualify for a license as a veterinarian or to be registered as
 33 a veterinary technician, the applicant must attain a passing score in the
 34 examinations.

35 (d) After the examinations the ~~bureau~~ **board** shall notify each
 36 examinee of the result of ~~his~~ examinations and the board shall issue a
 37 license or registration certificate, as appropriate, to each individual who
 38 successfully completes the examinations and is otherwise qualified.
 39 The ~~bureau~~ **board** shall keep a permanent record of the issuance of
 40 each license or registration certificate.

41 (e) An individual who fails to pass the required examinations may
 42 apply to take a subsequent examination. However, payment of the
 43 examination fee shall not be waived.

44 (f) A license or registration certificate issued under this article is
 45 valid for the remainder of the renewal period in effect on the date of
 46 issuance.

47 SECTION 12. IC 15-5-1.1-15.1 IS AMENDED TO READ AS
 48 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15.1. (a) The board
 49 may refuse to issue a registration or may issue a probationary

1 registration to an applicant for registration as a veterinary technician
2 under this chapter if:

3 (1) the applicant has been disciplined by a licensing entity of
4 another state or jurisdiction; ~~and or~~

5 (2) ~~the violation for which the applicant was disciplined~~
6 **engaged in conduct in another state or jurisdiction that** has
7 a direct bearing on the applicant's ability to competently practice
8 as a veterinary technician in Indiana.

9 (b) Whenever issuing a probationary registration under this
10 section, the board may impose any or a combination of the following
11 conditions:

12 (1) Report regularly to the board upon the matters that are the
13 basis of the discipline of the other state or jurisdiction.

14 (2) Limit practice to those areas prescribed by the board.

15 (3) Continue or renew professional education.

16 (4) Engage in community service without compensation for a
17 number of hours specified by the board.

18 (c) The board shall remove any limitations placed on a
19 probationary registration issued under this section if the board finds
20 after a hearing that the deficiency that required disciplinary action has
21 been remedied.

22 (d) This section does not apply to an individual who currently
23 holds a registration certificate under this chapter.

24 SECTION 13. IC 15-5-1.1-17 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) A license issued
26 under this chapter is valid until the next renewal date described under
27 subsection (b).

28 (b) All licenses expire on October 15 in each odd-numbered year,
29 but may be renewed by application to the board and payment of the
30 proper renewal fee. ~~In accordance with IC 25-1-5-4(c);~~ The ~~bureau~~
31 **board** shall mail a sixty (60) day notice of expiration to each licensed
32 veterinarian and provide the veterinarian with a form for renewal. The
33 ~~bureau~~ **board** shall issue a license renewal to each individual licensed
34 under this chapter if the proper fee has been received and all other
35 requirements for renewal of the license have been satisfied. Failure to
36 renew a license on or before the expiration date automatically renders
37 the license invalid without any action by the board.

38 SECTION 14. IC 15-5-1.1-18 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) A registration
40 certificate issued under this chapter is valid until the next renewal date
41 described under subsection (b).

42 (b) All registration certificates expire on January 1 of each
43 even-numbered year, but may be renewed by application to the board
44 and payment of the proper renewal fee. ~~In accordance with~~
45 ~~IC 25-1-5-4(c);~~ The ~~bureau~~ **board** shall mail a sixty (60) day notice of
46 expiration to each registered veterinary technician and provide the
47 veterinary technician with a form for renewal. The ~~bureau~~ **board** shall
48 issue a registration certificate renewal to each individual registered
49 under this chapter, provided the proper fee has been received and all

other requirements for renewal of the registration certificate have been satisfied. Failure to renew a registration certificate on or before the expiration date automatically renders the license invalid without any action by the board.

SECTION 15. IC 15-5-1.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19. (a) An individual who practices veterinary medicine after ~~his the individual's~~ license has expired, **been revoked, or been placed on inactive status** or an individual who acts as a registered veterinary technician after ~~his the individual's~~ registration has expired, **been revoked, or been placed on inactive status** is in violation of this chapter.

(b) A veterinarian may renew an expired license or a veterinary technician may renew an expired registration certificate within five (5) years of the date of expiration by making written application for renewal and paying the fee ~~prescribed in section 20 or 21~~ **established by rules adopted under section 20.2** of this chapter. ~~After five (5) years have elapsed since the date of the expiration of a license or a registration certificate it may not be renewed, but the person may make application for a new license or registration certificate and take the appropriate examinations. The board may adopt rules under IC 4-22-2 establishing the following:~~

(1) Continuing education requirements that must be met before an expired license or registration may be renewed.

(2) Prerequisites or conditions for the renewal of a license that has been expired for at least five (5) years.

~~(b)~~ (c) To have a license or registration placed on inactive status, a licensed veterinarian or registered veterinarian technician must notify the board in writing of the veterinarian or technician's desire to have the license or registration placed on inactive status. If the board places the license or registration of a veterinarian or technician on inactive status, the board ~~may~~ **shall** waive the continuing education requirements, if any, and payment of the renewal fee of a licensed veterinarian or registered veterinary technician during the period he is on ~~during the period:~~

(1) the veterinarian or technician is on active duty with any branch of the armed services of the United States;

(2) the veterinarian or technician is in the Peace Corps; or

(3) the veterinarian or technician is in an ~~doing~~ alternative service. However, the board may not waive the fee for a period that exceeds three (3) years or the duration of a national emergency, whichever is longer. **during a time of national emergency;**

(4) the veterinarian or technician is suffering from a severe medical condition that would prevent the veterinarian or technician from meeting the requirements of the board;

(5) after the veterinarian or technician retires; or

(6) established by rules adopted under IC 4-22-2 by the board.

A veterinarian or technician that is retired and on inactive status

1 **may not maintain an office or otherwise practice veterinary**
 2 **medicine. The board may adopt rules under IC 4-22-2 that**
 3 **establish prerequisites or conditions for the reactivation of a**
 4 **license or registration.**

5 SECTION 16. IC 15-5-1.1-20.2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20.2. The board ~~shall~~
 7 **may** establish by rule **adopted** under ~~IC 25-1-8~~ **IC 4-22-2** fees
 8 sufficient to implement this chapter. The fees established under this
 9 section shall be charged and collected by the ~~bureau~~: **executive**
 10 **secretary.**

11 SECTION 17. IC 15-5-1.1-23 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 23. Upon written
 13 complaint sworn to by any individual, the board may, by the
 14 concurrence of four (4) members, after a hearing and based upon
 15 findings of fact, discipline a registered veterinary technician by
 16 revoking or suspending ~~his~~ **the technician's** registration for a time
 17 certain, placing ~~him~~ **the technician** on probation, or by any other
 18 appropriate means for any of the following reasons:

- 19 (1) The use of fraud, misrepresentation, or deception in
 20 obtaining ~~his~~ **a** registration.
- 21 (2) Chronic inebriety, or the unlawful use of a controlled
 22 substance.
- 23 (3) The use of advertising or solicitation which is false or
 24 misleading or is otherwise deemed unprofessional under rules
 25 promulgated by the board.
- 26 (4) Conviction of or a plea of guilty to the charge of a felony or
 27 misdemeanor involving moral turpitude.
- 28 (5) Incompetence, gross negligence, or malpractice in
 29 performing as a registered veterinary technician.
- 30 (6) Cruelty to animals.
- 31 (7) Representing ~~himself~~ **the technician** as a veterinarian.
- 32 (8) Disciplinary action taken against the technician's registration
 33 by the board or by the licensing agency of any other state or
 34 jurisdiction by reason of the technician's inability to practice
 35 safely as a registered veterinary technician, if the reason is valid
 36 in the opinion of the board.

37 SECTION 18. IC 15-5-1.1-25 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 25. Identification of
 39 Registered Veterinary Technicians. (a) During working hours or when
 40 actively performing ~~his~~ **the technician's** duties, a registered veterinary
 41 technician must wear a unique mark of identification on his clothing
 42 approved by the board that identifies him as a registered veterinary
 43 technician.

44 (b) A registered veterinary technician may use the title "registered
 45 veterinary technician" or the abbreviation "R.V.T.".

46 (c) No individual, other than a registered veterinary technician
 47 may advertise or offer ~~his~~ **the individual's** services in a manner
 48 calculated to lead others to believe that ~~he~~ **the individual** is a trained
 49 veterinary technician or a registered veterinary technician.

1 SECTION 19. IC 15-5-1.1-26 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 26. Restrictions on
 3 Registered Veterinary Technicians. A registered veterinary technician
 4 may not diagnose, prognose, prescribe medical or surgical treatment,
 5 or perform as a surgeon. However, ~~he~~ **the technician** may perform
 6 routine procedures defined by board rules while under the direct
 7 supervision of a licensed veterinarian who shall be responsible for ~~his~~
 8 **the technician's** performance.

9 SECTION 20. IC 15-5-1.1-27 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 27. Direct Supervision
 11 of Veterinary Employees. A licensed veterinarian who is required to
 12 directly supervise an employee must be present within ~~his~~ **the**
 13 **veterinarian's** usual practice area, able to communicate directly with
 14 ~~his~~ **the** employee at all times that the employee is performing animal
 15 health care, and prepared to personally assume treatment, if necessary
 16 for the welfare of the animal. Direct communication may be verbal, by
 17 telephone, or by two-way radio. Such instructions must be recorded by
 18 the employee and repeated by ~~him~~ **the employee** to ~~his~~ **the employee's**
 19 supervising licensed veterinarian.

20 SECTION 21. IC 15-5-1.1-28 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 28. Display of
 22 Certificates. The holder of a license or special permit to practice
 23 veterinary medicine or of a registration or special permit to act as a
 24 veterinary technician, must display ~~his~~ **the** certificate of license,
 25 registration, or special permit in such a manner as to be visible and
 26 readable by persons in the office of the veterinarian.

27 SECTION 22. IC 15-5-1.1-29 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 29. Prescriptions. A
 29 licensed veterinarian may write prescriptions and ~~his~~ **the** prescriptions
 30 shall be given the same recognition by druggists and pharmacists as
 31 they give the prescriptions of persons holding an unlimited license to
 32 practice medicine or osteopathic medicine.

33 SECTION 23. IC 15-5-1.1-30 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 30. Emergencies.
 35 Notwithstanding any other provision in this chapter, in an emergency,
 36 in the absence of ~~his~~ **the** licensed veterinarian employer, an employee
 37 may perform the duties it is lawful for ~~him~~ **the employee** to perform
 38 under the direct supervision of a licensed veterinarian in accordance
 39 with the rules of the board and the written authority of ~~his~~ **the** licensed
 40 veterinary employer.

41 SECTION 24. IC 15-5-1.1-31 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 31. Good Samaritan
 43 Deeds. A licensed veterinarian or a registered veterinary technician
 44 who on ~~his~~ **the technician's** own initiative gives emergency treatment
 45 to a sick or injured animal is not liable in damages to the owner of such
 46 animal in the absence of gross negligence. If a licensed veterinarian
 47 performs euthanasia on the animal, there is a presumption that such
 48 was a humane act, necessary to relieve it of pain and suffering.

49 SECTION 25. IC 15-5-1.1-33 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 33. Abandoned Animals. (a) An animal placed in the custody of a veterinarian shall be considered to be abandoned five (5) days after the veterinarian has given written notice to the individual who delivered the animal to ~~him~~ **the veterinarian** that the animal should be reclaimed by the individual. Such written notice shall be delivered to the place given by the individual as his mailing address at the time he delivered the animal to the veterinarian.

(b) Abandonment of an animal under this section constitutes the relinquishment of all rights and claims by the owner of the animal and it may be sold or otherwise disposed of as the veterinarian may see fit and the purchaser or donee of the animal shall receive full and clear title to the animal.

(c) The giving of notice as provided in this section relieves the veterinarian and all persons who receive such an animal from the veterinarian of criminal or civil liability.

(d) The individual who delivered an animal abandoned under this section is liable for all reasonable and customary expenses incurred for diagnosis, treatment, hospitalization, surgery, board, euthanasia, and disposal of the abandoned animal.

SECTION 26. IC 15-5-1.1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 34. A person who knowingly:

(1) practices veterinary medicine in this state without a license or special permit to practice veterinary medicine issued by the board; or

(2) supplies false information on ~~his~~ **an** application for a license as a veterinarian;

commits a Class B misdemeanor.

SECTION 27. IC 15-5-1.1-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 35. A person who knowingly:

(1) acts as a registered veterinary technician in this state without being registered as a veterinary technician with the board or having a special permit issued by the board; or

(2) supplies false information on ~~his~~ **an** application for registration as a veterinary technician;

commits a Class B misdemeanor.

SECTION 28. IC 15-5-1.1-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 37. (a) Except as provided in subsections (b) and (c), the board shall adopt rules under IC 4-22-2 that subject the board and individuals licensed under this chapter to the same procedures and standards of practice as those required by IC 25-1-9, except to the extent the procedures and standards specifically do not apply to the practice of veterinary medicine.**

(b) Rules adopted under subsection (a) must require the board to perform the same functions as are performed under IC 25-1-9 by the consumer protection division of the office of the attorney general, and the health professions bureau under IC 25-1-9.

(c) The board may adopt rules under IC 4-22-2 providing informal procedures designed to simplify the settlement of matters in a manner that reduces the need for formal procedures. Rules adopted under this subsection must be consistent with IC 4-21.5.

SECTION 29. IC 25-1-2-6, AS AMENDED BY P.L.253-1997(ss), SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dental examiners.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- ~~(29) Indiana board of veterinary medical examiners.~~
- ~~(30) (29) State department of health.~~
- ~~(31) (30) Indiana physical therapy committee.~~
- ~~(32) (31) Respiratory care committee.~~
- ~~(33) (32) Occupational therapy committee.~~
- ~~(34) (33) Social worker, marriage and family therapist, and mental health counselor board.~~
- ~~(35) (34) Real estate appraiser licensure and certification board.~~

- 1 ~~(36)~~ **(35)** State board of registration for land surveyors.
- 2 ~~(37)~~ **(36)** Physician assistant committee.
- 3 ~~(38)~~ **(37)** Indiana dietitians certification board.
- 4 ~~(39)~~ **(38)** Indiana hypnotist committee.
- 5 ~~(40)~~ **(39)** Any other occupational or professional agency created
- 6 after June 30, 1981.

7 (c) Notwithstanding any other law, the entities included in
 8 subsection (b) shall send a notice of the upcoming expiration of a
 9 license to each licensee at least sixty (60) days prior to the expiration
 10 of the license. The notice must inform the licensee of the need to renew
 11 and the requirement of payment of the renewal fee. If this notice of
 12 expiration is not sent by the entity, the licensee is not subject to a
 13 sanction for failure to renew if, once notice is received from the entity,
 14 the license is renewed within forty-five (45) days of the receipt of the
 15 notice.

- 16 Page 2, strike line 5.
- 17 Page 2, line 6, strike "(13)", insert "**(12)**".
- 18 Page 2, line 7, strike "(14)", insert "**(13)**".
- 19 Page 2, line 8, strike "(15)" and insert "**(14)**".
- 20 Page 2, line 9, strike "(16)" and insert "**(15)**".
- 21 Page 2, line 10, strike "(17)" and insert "**(16)**".
- 22 Page 2, line 11, strike "(18)" and insert "**(17)**".
- 23 Page 2, line 13, strike "(19)" and insert "**(18)**".
- 24 Page 2, line 14, strike "(20)" and insert "**(19)**".
- 25 Page 2, line 15, strike "(21)" and insert "**(20)**".
- 26 Page 2, line 16, strike "(22)" and insert "**(21)**".
- 27 Page 3, strike line 18.
- 28 Page 3, line 19, strike "(23)" and insert "**(22)**".
- 29 Page 3, line 21, strike "(24)" and insert "**(23)**".
- 30 Page 3, line 22, strike "(25)" and insert "**(24)**".
- 31 Page 3, line 23, strike "(26)" and insert "**(25)**".
- 32 Page 3, line 24, strike "(27)" and insert "**(26)**".
- 33 Page 2, line 26, strike "(28)" and insert "**(27)**".
- 34 Page 3, line 28, strike "(29)" and insert "**(28)**".
- 35 Page 3, line 30, strike "(30)" and insert "**(29)**".
- 36 Page 3, line 31, strike "(31)" and insert "**(30)**".
- 37 Page 3, line 32, strike "(32)" and insert "**(31)**".
- 38 Page 3, line 33, strike "(33)" and insert "**(32)**".
- 39 Page 3, line 34, delete "(34)" and insert "**(33)**".
- 40 Page 3, line 35, reset in roman "(34)".
- 41 Page 3, line 35, delete "(35)".
- 42 Page 4, strike lines 25 through 26.
- 43 Page 4, line 27, delete "(23)" and insert "**(22)**".
- 44 Page 4, line 28, delete "(24)" and insert "**(23)**".
- 45 Page 4, line 30, delete "(25)" and insert "**(24)**".
- 46 Page 4, line 32, delete "(26)" and insert "**(25)**".
- 47 Page 4, line 33, delete "(27)" and insert "**(26)**".
- 48 Page 4, line 34, delete "(28)" and insert "**(27)**".
- 49 Page 4, line 36, delete "(29)" and insert "**(28)**".

- 1 Page 4, line 38, delete "(30)" and insert "**(29)**".
 - 2 Page 4, line 40, delete "(31)" and insert "**(30)**".
 - 3 Page 4, line 41, delete "(32)" and insert "**(31)**".
 - 4 Page 5, line 1, delete "(33)" and insert "**(32)**".
 - 5 Page 5, line 2, delete "(34)" and insert "**(33)**".
 - 6 Page 5, line 3, delete "(35)" and insert "**(34)**".
 - 7 Page 5, line 4, strike "(36)" and insert "**(35)**".
 - 8 Page 5, strike line 23.
 - 9 Page 5, line 24, strike "(13)" and insert "**(12)**".
 - 10 Page 5, line 25, strike "(14)" and insert "**(13)**".
 - 11 Page 5, line 26, strike "(15)" and insert "**(14)**".
 - 12 Page 5, line 27, strike "(16)" and insert "**(15)**".
 - 13 Page 5, line 29, strike "(17)" and insert "**(16)**".
 - 14 Page 5, line 30, strike "(18)" and insert "**(17)**".
 - 15 Page 5, line 31, strike "(19)" and insert "**(18)**".
 - 16 Page 5, line 32, strike "(20)" and insert "**(19)**".
- (Reference is to HB 1102 as printed January 29, 1998.)
- Renumber all SECTIONS consecutively.

Representative GRUBB